

MYLANDIA A. WESLEY
Plaintiff,

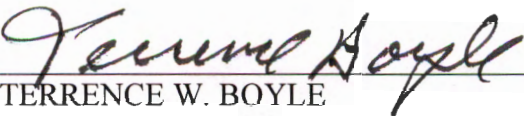
PAPERFOAM PACKAGING USA, *et. al*,
Defendants.

While this additional information indicates that plaintiff did have a right-to-sue letter, it does not alter what was contained in her initial complaint. The Fourth Circuit has held that “[a] plaintiff in a civil action under Title VII must allege and prove filing of a timely charge of discrimination with the Equal [Employment] Opportunity Commission together with receipt of, and action on, a statutory notice of his right to sue.” *Davis v. North Carolina Dep’t of Corrections*, 48 F.3d 134, 140 (4th Cir. 1995) (citing *Purdue v. Roy Stone Transfer Corp.*, 690 F.2d 1091, 1093 (4th Cir. 1982)). The receipt of, or entitlement to, a right-to-sue letter is a “jurisdictional prerequisite that must be alleged in a plaintiff’s complaint.” *United Black Firefighters of Norfolk v. Hirst*, 604 F.2d 844, 847 (4th Cir. 1979).

The Court has reviewed plaintiff’s complaint *de novo* and found no allegation that the plaintiff had exhausted her administrative remedies or received a right-to-sue letter. The plaintiff’s right-to-sue letter expired on February 3, 2024, and any further Title VII claims she may have related to her employment with the defendants are now time-barred.

The Court is satisfied that there is no clear error on the face of the record and ADOPTS the M&R in full. [DE 4] Plaintiff’s motion for leave to proceed in forma pauperis [DE 2] is GRANTED.

SO ORDERED, this 7 day of October 2024.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE